

**Planning, Transport & Sustainability Division  
 Planning and Rights of Way Panel (West) 2 June 2015  
 Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 11 Carlton Road			
<b>Proposed development:</b> Erection of a two storey side extension			
<b>Application number</b>	15/00483/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	John Fanning	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	27.05.15	<b>Ward</b>	Bevois
<b>Reason for Panel Referral:</b>	Request by Ward Member or five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Burke Cllr Rayment Cllr Barnes-Andrews
<b>Referred by:</b>	Cllr Rayment	<b>Reason:</b>	Concern that increase in intensity of use would be harmful to amenity of neighbouring occupiers

<b>Applicant:</b> Dr J Jenkinson	<b>Agent:</b> Simpson Hilder Associates
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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**Reason for granting Planning Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Policies - SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review (as amended 2015) and CS13 of the Local Development Framework Core Strategy Development Plan Document (as amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2.	Plans for Lawful Development Certificate

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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## **1.0 Introduction**

- 1.1 The application is one of six separate applications, submitted concurrently, for similarly designed extensions to existing Houses in Multiple Occupation (HMO's) in Carlton Road. The applications currently being considered are listed as follows and are highlighted on the attached location plan:
- 7 Carlton Road reference 15/00484/FUL
  - 9 Carlton Road reference 15/00489/FUL
  - 11 Carlton Road reference 15/00483/FUL
  - 13 Carlton Road reference 15/00485/FUL
  - 17 Carlton Road reference 15/00482/FUL and 15/00398/MMA.
- 1.2 Numbers 7, 11 and 13 are all existing Use Class C4 HMO's (up to six persons). Number 9 benefits from planning permission for use as a larger, Sui Generis HMO (limited to seven persons) and essentially seeks to amend the scheme as approved to incorporate the two-storey side extension. Number 17 also benefits from planning permission for use as a larger, Sui Generis HMO (limited to seven occupants) and also seeks to remove a condition of that permission which restricts permitted development rights.
- 1.3 Whilst it is important to take a consistent approach to decision-making, each of the above listed applications should be determined on their own merits, taking into account the specific circumstances of each site.

## **2.0 The site and its context**

- 2.1 The application site is a two storey semi-detached house. The property is located on the eastern side of Carlton Road and is within an area characterised by a range of uses including a school, retail and residential. The site is relatively open to the rear with access between nos. 9 and 11 Carlton Road to an unrelated office. The area to the rear of the property is hard-surfaced and appears to be used for car parking.
- 2.2 At present the property is occupied as a 6-bed Class C4 House in Multiple Occupation. The applicant has submitted Tenancy Agreements to demonstrate that the HMO use of the property is lawful and the Electoral Register and Council Tax records confirm this.

## **3.0 Proposal**

- 3.1 Permission is sought for the construction of a two-storey side extension. This would project outwards from the side elevation of the original two-storey projection by 2.4m. It would measure 4.4m in length and would have a pitched roof with a maximum height of 6.5m (5.3m to the eaves).

3.2 As a result of this proposal the property would still retain the same number of bedrooms. The internal layout will have been modified to provide an upstairs bathroom and an enlarged living/dining/kitchen area downstairs.

#### **4.0 Relevant Planning Policy**

4.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

4.2 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.3 Following the Article 4 direction coming into effect on 23 March 2012, the conversion of a family house into a small HMO for up to six people requires planning permission. Any physical improvement to the property should be purely assessed against the Council's quality of development policies where the level of occupation does not exceed a small HMO as there would be no further affect the balance and mix of the households within the local area.

4.4 The Houses in Multiple Occupation SPD was adopted in March 2012, which provides supplementary planning guidance for policy H4 and policy CS16 in terms of assessing the impact of HMOs on the character and amenity, mix and balance of households of the local area. The SPD sets a maximum threshold of 20% for the total number of HMOs in the ward of Bevois. It is important to be aware that as the property is already being occupied legitimately as a C4 HMO and was established as a small HMO before 23<sup>rd</sup> March 2012, the threshold, therefore, does not apply in this case. The reason being that there would be no increase in the concentration of HMOs within the assessment area (section 6.7 of the SPD refers).

4.5 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the City and its citizens. Policy SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allows development which will not harm the character and appearance of the local area, and the building design in terms of scale and massing should be high quality which respects the surrounding area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.

#### **5.0 Relevant Planning History**

5.1 On 30<sup>th</sup> June 2014, the Council granted a proposed lawful development certificate for roof alterations to nos. 11, 13, 15 and 17 Carlton Road (reference 14/00669/PLDC). The development granted, but not implemented, would provide an additional two bedrooms in the roof space of each property. The plans for this certificate are included in **Appendix 2** of this report.

5.2 Whereas the current application proposal includes two bedrooms to the ground

floor of the property, the lawful development certificate did not incorporate bedrooms in the ground floor of the property. However, were the applicant to implement the roof extension and the current application proposal, planning permission would be required for a change of use from a small HMO (Use Class C4) to a large HMO (Sui Generis) and the intensification of the occupancy could be assessed at this time.

- 5.3 It is noted that a very similar proposal was recently granted permission at 15 Carlton Road under delegated powers (planning application reference 14/02121/FUL) on 9<sup>th</sup> March 2015.

## **6.0 Consultation Responses and Notification Representations**

- 6.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners. At the time of writing the report **9** representations (seven objections from three residences, one objection from a non-ward Councillor and one objection from Polygon and Fitzhugh Community Action group) have been received. The following is a summary of the points raised:

- 6.2
- The application is for a change of use to form an additional HMO in an area already experiencing an overconcentration of this type of use.

Response: This application is not for a change of use of the property but for a two storey side extension to an existing HMO. If the applicant wishes to increase the occupancy at this property, a further planning application would be required which would be considered on its merits at the time of submission.

- 6.3
- The proposed extension would establish more rooms which would subsequently increase the density of HMOs in the surrounding area.

Response: The submitted plans indicate that the number of bedrooms at the property would remain the same as a result of this proposal. The proposed extension would comprise a dining room and is linked to internal works to create a large dining / kitchen / lounge for residents and additional bathroom at first floor level. As noted above, were the occupancy to increase in the future, planning permission would be required for the change of use from a small HMO (Use Class C4) to a large HMO (sui generis).

- 6.4
- This application would result in the overdevelopment of the site/the existing houses should be preserved and not extended.

Response: The proposed extension is relatively modest in scale and, would leave sufficient space to the rear of the property to prevent it appearing over-developed.

- 6.5
- The proposed extension would reduce the outdoor amenity space available for occupiers of the property.

Response: Whilst the proposal would reduce the amount of outdoor space to the rear of this property, this is not considered to be detrimental to the living conditions of the occupiers of the property. The relatively modest scale of the proposed extension in a relatively unusable area of the rear garden is not considered to be harmful. Furthermore, the proposal would improve the internal amenity available for occupants by providing a larger and more useable living area.

- 6.6
- The application must be considered in the wider context of the proposed applications submitted at the same time on adjacent sites.

Response: Each planning application should be addressed on its own planning merits taking into account the specific nature of the site and surrounding development. As noted, the applications do not increase either the concentration of HMO's or the number of occupants. As such, the cumulative impact of the proposals are not considered to have a significant impact on the surrounding area.

**Cllr Rayment** - Concern that increase in scale and intensity of use will harmfully impact nearby occupiers in terms of associated issues such as anti-social behaviour and noise (noted as being sent on behalf of Cllrs Rayment, Burke and Barnes-Andrews).

## 6.7 Consultation Responses

- 6.8 Environmental Health (Housing) – No objection or conditions suggested.

## 7.0 Planning Consideration Key Issues

- 7.1 As set out above, the application does not propose a change of use of the site or an increase in the number of bedrooms contained within the property. Furthermore, were the applicant to change the layout of the property in the future and increase the number of bedrooms, planning permission would be required for a change of use and the Council could consider the impact of such an intensification at that time. However, for the avoidance of doubt and in the interests of the potential impacts on the character and amenity of the area, conditions are recommended that would prevent the formation of further bedrooms or an increase in the occupancy of the dwelling. The application, therefore, falls to be considered solely on the associated impacts of the proposed physical extension in terms of the impact on the character of the area and residential amenity.

### 7.2. Impact on the Character of the Area

- 7.2.1 The proposed extension would not project beyond the side elevation of the main dwelling house and would not subsequently be readily visible from Carlton Road. As such, the proposal would not have a significant impact on the wider street scene.

- 7.2.2 The scale would be relatively modest in relation to the properties in the surrounding area and the roof would be subordinate to the main house. Taking into account the lower ridge, use of a hipped roof design and sympathetic fenestration, the proposal is considered to integrate into the overall design of the host dwelling and does not otherwise have a significantly harmful impact on the character of the surrounding area.

- 7.2.3 Whilst the extension would reduce the external space associated with the property, the main area of rear garden would be retained, meaning the site would not appear over-developed when having regard to the higher-density, central location of the site.

### 7.3 Impact on Residential Amenity

7.3.1 The neighbouring property to the south (9) has a number of side facing windows, including habitable room windows, much like the application site. The proposal will reduce the gap between the two dwellings (it is noted that number 9 has a similar proposal submitted under 15/00489/FUL) although would decrease the overall number of side facing windows and the resultant inter-looking that occurs. Having regard to the relatively modest size of the extension and the separation that would remain between the two properties the proposal is not considered to give rise to an adverse impact on the neighbouring occupiers.

7.3.2 A condition is recommended to ensure that both the front-facing windows in the extension be obscured to prevent inter-looking between bedrooms in the property. While the proposed extension will have an impact on outlook available to both the ground floor and first floor bedrooms with windows looking towards it, on balance it is considered that this arrangement is acceptable taking into account the orientation of the property minimising the impact on available light and the existing layout and circumstances of the site.

7.3.3 As noted above, the proposal does reduce the external space available to the dwelling. However, since this space is located to the side and is narrow, it has limited value as amenity space and indeed, is not currently used as such. The proposal is, therefore, considered to be acceptable in this respect.

### 8.0 Summary

8.1 The proposed extension is considered to be acceptable in terms of the impacts on the character of the host dwelling within the surrounding area and the amenities of both neighbouring occupiers and the occupiers of the host dwelling.

### 9.0 Conclusion

9.1 For the reasons discussed above, the application is recommended for conditional approval.

### Local Government (Access to Information) Act 1985

#### Documents used in the preparation of this report Background Papers

1(a)(b)(c)(d), 2(b)(d), 4(f)(qq)(vv), 6(c), 7(a), 9(b)

**JF for 02/06/15 PROW Panel**

### PLANNING CONDITIONS

01.APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

REASON:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. APPROVAL CONDITION - Materials to match [Performance Condition]

The materials and finishes to be used for the external walls, windows (including recesses), drainage

goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

**REASON:**

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

**03. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]**

Notwithstanding the submitted plans, the windows in the west elevation of the extension hereby approved (to the rooms indicated as Bedroom and Dining on Drawing No. 134) shall be glazed in obscure glass and shall be non-opening 1.7m from the floor of the room they serve. The windows as specified shall be installed before the development hereby permitted is first occupied and shall be permanently maintained in that form.

**REASON:**

To protect the privacy enjoyed by the occupiers of the property and adjoining units.

**04. APPROVAL CONDITION - Room restrictions [Performance Condition]**

The rooms annotated on plans 6555-132 as the kitchen/dining/lounge area and bathrooms shall remain as communal space for the occupiers of the dwelling throughout occupation of the building and shall at no time be used as bedrooms unless otherwise agreed upon in writing but the Local Planning Authority.

**REASON:**

For the avoidance of doubt, to maintain sufficient residential environment for occupiers and to ensure that there is no intensification of use of the site.

**05. APPROVAL CONDITION - Number of occupiers [Performance Condition]**

The number of occupiers within the property, in connection with the development hereby permitted, shall not exceed 6 persons unless otherwise agreed upon in writing by the Local Planning Authority.

**REASON:**

In the interests of protecting the residential amenity of local residents from intensification of use and define the consent for avoidance of doubt.

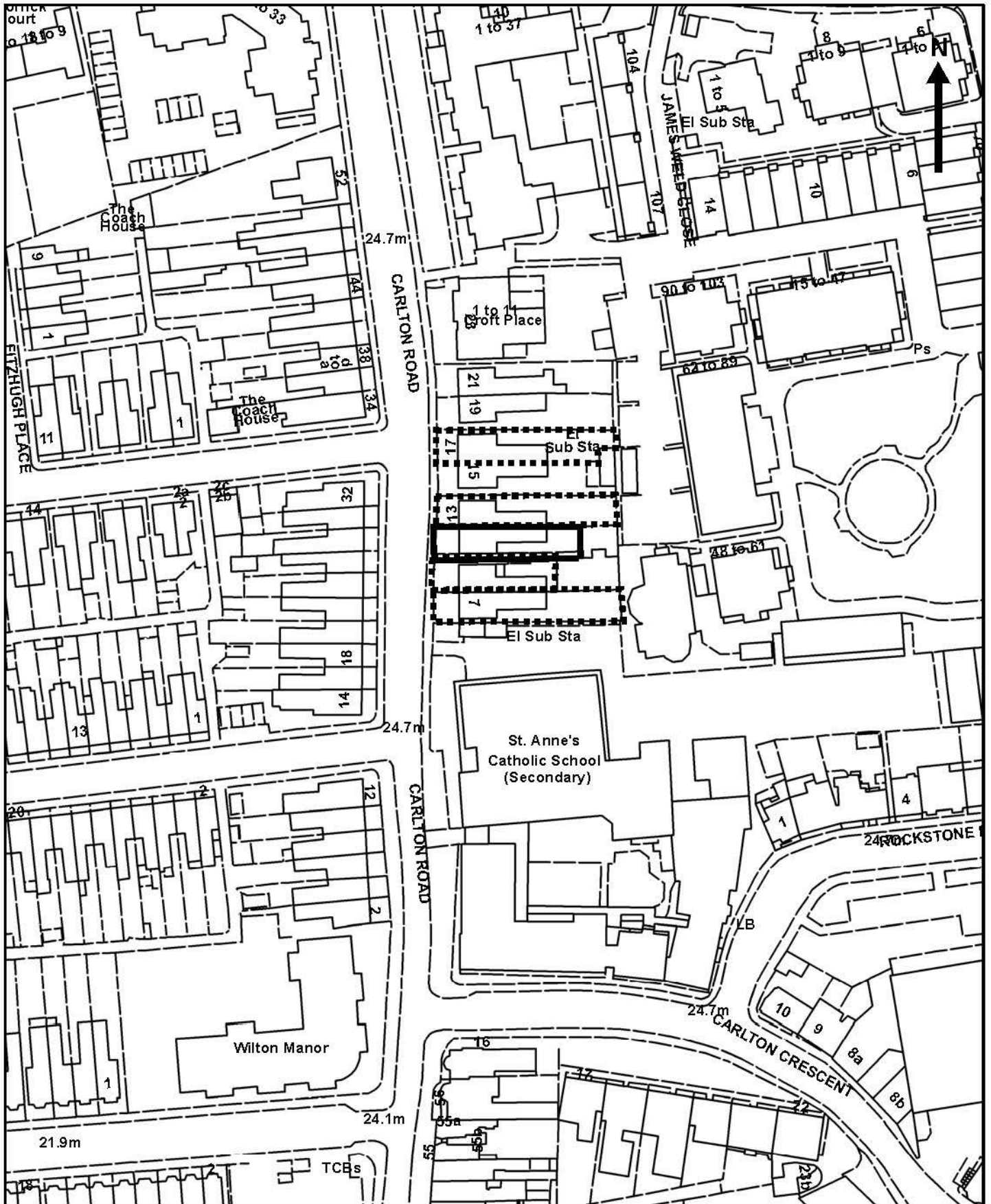
**06. APPROVAL CONDITION - Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

**REASON:**

For the avoidance of doubt and in the interests of proper planning.

# 15/00483/FUL



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